



Town of Tyngsborough
Zoning Board of Appeals
Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 115

APPROVED
TYNGSBOROUGH ZONING BOARD OF APPEALS MINUTES

Date: November 8, 2012

The meeting was called to order by Chairman Chris Mechalides at 6:30p.m. at Tyngsborough Town Hall, Community Room, 25 Bryants Lane, Tyngsborough, MA per published meeting notice in the Lowell Sun newspaper on Thursday, October 25, 2012 and Thursday, November 1, 2012 to hear requests for variance and special permit.

Board Members Present (with check mark):

Robb Kydd, Chairman	<input checked="" type="checkbox"/> Chris Mechalides, Vice Chairman	<input checked="" type="checkbox"/> Cheryl Bradley
<input checked="" type="checkbox"/> Claire Cloutier	<input checked="" type="checkbox"/> Joseph Polin	<input checked="" type="checkbox"/> Scott Bordeleau

Public Hearing #1:

Thirith Hut (10 Swan Rd. Tyngsborough, MA) and developer Steven Marley concerning – 32 Old Tyng Rd., Assessors Map 21, Lot 26; Request a SPECIAL PERMIT under Section 2.15.22 of the Zoning By-Law. More is detail required. Is this a raze and replace, or a second floor addition? Also, note a certified plot plan was not been submitted with the application. Note, applicant did submit a certified plot plan at the meeting.

Members Reviewing: Chris Mechalides, Cheryl Bradley, Claire Cloutier, Joseph Polin, Scott Bordeleau

Abutters List Present and Complete

No abutters were present. Motion to waive the reading of the Abutters List: motion: Joseph Polin, 2nd: Cheryl Bradley, Voice Vote: Unanimous

Presentation by Applicant/Designee:

Applicant purchased home is July 2012 for his sister who lives nearby. Proposes to demo home down to the foundation and rebuild on same footprint a 2-story colonial with 3 bedrooms.

Presentation by Abutters:

Opposed: None
Proponent: None

Close of public portion of meeting

Motion to close the public portion of the meeting: motion: Joseph Polin, 2nd: Cheryl Bradley, Voice Vote: Unanimous

Open Discussion and Q&A to Applicant with Applicant responses

- Application is incomplete. Does not request a variance for the existing non-conforming. (Applicant wasn't aware of that requirement).
- C. Cloutier: board cannot make a motion on an incomplete application.
- C. Mechalides: can Board alter the original application? (Applicant requested to be able to add the Variance request to the application at the meeting).
- Variance is a technicality and has no bearing on the Board's decision. It's not a new structure, there is a stamped plot plan, structure will be built on existing foundation.
- The applicant failed to complete the application accurately and therefore they must re-apply as the Board cannot alter an application during a meeting. Joseph Polin suggested that the applicant withdraw the current application without prejudice and complete the application properly so the Board can take a legal vote.

Review Notes/Comments on Application from other Tyngsboro Departments

Highway: None

Planning: None

Building Comm: None

Board of Health: None

Conservation: None

Sewer: None

Fire: Entire house must be compliant with current fire regulations upon completion.

Board Motion was made by: Motion to add the variance request to the applicant's application for the 32 Old Tyng Rd. hearing tonight in order to avoid having the applicant to return for another meeting Motion: Joe Polin: 2nd Cheryl Bradley, Voice Vote: Majority

- ☒ The motion failed by majority voice vote (1 in favor, 4 against)

Board Motion was made by: Motion to require the applicant for 32 Old Tyng Rd. withdraw current application without prejudice and re-apply with the Board for next month meeting: Motion: Chris Mechalides, 2nd: Cheryl Bradley, Voice Vote: Unanimous

- ☒ The motion was carried by unanimous voice vote.

Public Hearing #2:

Gerald and Maryruth Suprenant (applicants) and Atty. Peter Nicosia (representative) – regarding 37 Mascuppic Trail, Assessors Map 26A, Lot 51; Request a VARIANCE from the requirements of Section 2.12.50 and SPECIAL PERMIT under Section 2.15.22 of the Zoning By-Law, to allow for existing structure to be razed and new fully conforming

single family home to be constructed in an R-2 Zone, at 37 Mascuppic Trail, Tyngsborough, MA.

Members Reviewing: Chris Mechalides, Cheryl Bradley, Claire Cloutier, Joseph Polin, Scott Bordeleau

Abutters List Present and Complete

Not abutters were present. Motion to waive the reading of the Abutters List: motion: Cheryl Bradley, 2nd: Scott Bordeleau, Voice Vote: Unanimous

Presentation by Applicant/Designee:

Atty. Nicosia explained that the intended resident is their son and daughter (who were present and in support). The record shows that the home is a pre-existing non-conforming dwelling. They propose to rebuild it and make it less non-conforming and visually pleasing and comparable to the other homes in the area.

Presentation by Abutters:

Opposed: None

Proponent: None

Close of public portion of meeting

Motion to close the public portion of the meeting: motion: Cheryl Bradley, 2nd: Scott Bordeleau, Voice Vote: Unanimous

Open Discussion and Q&A to Applicant with Applicant responses

- Moving the new home back on the lot is better. No other questions from the Board.

Review Notes/Comments on Application from other Tyngsboro Departments

Highway: None

Planning: None

Building Comm: None

Board of Health: None

Conservation: a Notice of Intent must be filed with the Commission.

Sewer: None

Fire: Inspection required prior to demolition.

Board Motion was made by: Motion to grant Gerald and Maryruth Suprenant (applicants) a VARIANCE from the requirements of Section 2.12.50 and SPECIAL PERMIT under Section 2.15.22 of the Zoning By-Law, to allow for existing structure to be razed and new fully conforming single family home to be constructed in an R-2 Zone, at 37 Mascuppic Trail, Assessors Map 26A, Lot 51, Tyngsborough, MA. Motion: Chris Mechalides, 2nd: Scott Bordeleau, Voice Vote: Unanimous

- ☒ The motion was carried by unanimous voice vote.

Additional Meeting Agenda Items (as published)

OTHER BUSINESS:

ADMINISTRATIVE:

- Approve ZBA Meeting Minutes

-Motion to accept ZBA Meeting Minutes for May 10, 2012 as written made by Scott Bordeleau, 2nd by Cheryl Bradley. The motion carried unanimously by voice vote.

-Motion to accept ZBA Meeting Minutes for October 11, 2012 with one correction made by Scott Bordeleau, 2nd by Cheryl Bradley. The motion carried unanimously by voice vote.

- Correspondance

-Atty. Zaroulis' letter regarding Housing Authority was too late. Minutes form Wyndbrook considered insubstantial take away period of time for untie, but they needed to submit plans. Chris Mechalides suggested that someone should check with Rick DeLeo or Barbara Roche and remind Wyndbrook that's what they need to do – no need to submit plan.

- Next Meeting: DECEMBER 10, 2012

Motion to Adjourn, made by Joseph Polin at 7:30 pm, seconded by Cheryl Bradley. The motion carried unanimously by voice vote.